

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMA C., et al.,

Plaintiffs,

NO. C96-4179 TEH

DELAINE EASTIN, et al.,

Defendants.

ORDER RE: ASPIRE PUBLIC SCHOOLS

11 To date in this case, Defendant Ravenswood City School District (“Ravenswood”) has
12 provided special education services at the East Palo Alto Charter School (“EPACS”), a
13 charter school operated by Aspire Public Schools (“Aspire”). On May 27, 2010, Defendant
14 California Department of Education (“CDE”) approved Aspire East Palo Alto Charter School
15 to participate as a Local Educational Agency (“LEA”) member in the El Dorado Charter
16 Special Education Local Plan Area (“El Dorado SELPA” or “SELPA”). As a result of this
17 designation, Aspire has proposed that it become the provider of special education services to
18 students attending the EPACS. It is not clear what accountability Aspire would have to the
19 Court, which has a duty to enforce the First Amended Consent Decree (“FACD”) and the
20 corrective action plan for students with disabilities within the jurisdiction of Ravenswood.
21 The FACD provides for Court involvement in many areas of special education, including the
22 hiring of staff (FACD § 6.1.8) and retention of consultants (FACD § 6.1.9).

23 Accordingly, with good cause shown, the parties are HEREBY ORDERED to brief
24 the Court regarding (1) the Court's powers and responsibilities with respect to EPACS
25 students with disabilities; (2) the Court Monitor's powers and responsibilities with respect to
26 EPACS students with disabilities; and (3) the powers and responsibilities of the parties with
27 respect to EPACS students with disabilities. These briefs shall be filed no later than **August**
28 **12, 2011**. Should these briefs raise arguments to which a party wishes to respond, responding

1 briefs shall be filed no later than **August 19, 2011**. The parties shall appear at a hearing to
2 discuss this issue at **2 p.m. on Tuesday, August 30, 2011**, in Courtroom 2.

3 CDE shall serve Aspire with a copy of this order and all briefs filed in response to this
4 order. Should the parties reach agreement regarding the issues raised in this order, they shall
5 file a stipulation and the Court will vacate the briefing and hearing schedule set out above.

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7 **IT IS SO ORDERED.**

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9 Dated: 07/25/11



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THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT